

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TIMOTHY GRAHAM,

Plaintiff,

v.

LEISURE POOLS USA TRADING, INC.,

Defendant.

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1:23-CV-734-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant Leisure Pools USA Trading, Inc.'s ("LP") Motion To Dismiss Pursuant To 12(b)(1), 12(b)(3), 12(b)(6) And The Federal Arbitration Act, (Dkt. 8). (R. & R., Dkt. 17). LP timely filed objections to the report and recommendation. (Objs., Dkt. 18). Plaintiff Timothy Graham filed a response to LP's objections, (Dkt. 19), and LP filed a reply, (Dkt. 20).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because LP timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules LP's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 17), is **ADOPTED**.

IT IS FURTHER ORDERED that LP's Motion To Dismiss Pursuant To 12(b)(1), 12(b)(3), 12(b)(6) And The Federal Arbitration Act, (Dkt. 8), is **DENIED**.

SIGNED on April 3, 2024.

A handwritten signature in blue ink, appearing to read "R. Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE